

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

00 APR -2 AM 9:42

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Alfonso CORTEZ-Herrera

Defendant

Magistrate Case No.

08 MJ 1001

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326

Attempted Entry After

Deportation

The undersigned complainant being duly sworn states:

On or about **April 1, 2008** within the Southern District of California, defendant **Jose Alfonso CORTEZ-Herrera**, an alien, who previously had been excluded, deported and removed from the United States to **El Salvador**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT

 Claudia Rios, United States Customs
 And Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **2nd** DAY OF **April**, 2008.


 UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On April 1, 2008 at approximately 12:24 PM, **Jose Alfonso CORTEZ-Herrera (Defendant)** applied for admission to the United States at the San Ysidro Port of Entry, pedestrian primary lanes. Defendant presented an I-551 Resident Alien Card belonging to another person, and claimed to be a lawful permanent resident to a CBP Officer. When asked for additional identification, Defendant provided a California Identification card that also did not belong to him. Defendant told the CBP Officer that he was on his way to Riverside, California. The CBP Officer suspected that Defendant was an impostor to the documents presented and referred him to secondary inspection.

During secondary inspection, a CBP Officer queried Defendant's fingerprints in the Integrated Automated Fingerprint Identification System (IAFIS) and Automated Biometric Identification System (IDENT). The officer received a positive match, confirming Defendant's identity and linking him to FBI and Immigration Service records.

Immigration records indicate that Defendant is a citizen of El Salvador, without any rights or entitlements to either; enter, pass through, or reside in the United States.

Further queries in the Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed that on or about October 23, 2007 Defendant was ordered removed from the United States to El Salvador by an Immigration Judge. Service Records also indicate that Defendant was last physically removed to El Salvador on November 14, 2007. Immigration records indicate the Defendant has neither applied for nor received permission to legally reenter the United States from the United States Attorney General or the Secretary of Homeland Security.